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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BMW OF NORTH AMERICA, LLC, a
Delaware limited liability company,

Plaintiff,

v.

LYLE ANDREW EPSTEIN, an individual;
KORTEK SERVICES, INC., a Nevada
corporation,

Defendants.

CASE NO: 2:11-cv-01909-LRH-PAL

**STIPULATION FOR ENTRY OF
JUDGMENT AND JUDGMENT
THEREON**

DISCOVERY CUT-OFF: NONE
MOTION CUT-OFF: NONE
TRIAL DATE: NONE

1 IT IS HEREBY STIPULATED by and between plaintiff, BMW of North
2 America, LLC ("BMW NA") , and defendants, Lyle Andrew Epstein ("Epstein") and
3 Kortek Services, Inc. ("Kortek"), as follows:

4 1. This Court has original subject matter jurisdiction of this action, pursuant
5 to 28 U.S.C. sections 1331 and 49 U.S.C. section 32710(b), because this action arises
6 under the laws of the United States. This Court also has original subject matter
7 jurisdiction of this action, pursuant to 28 U.S.C. section 1332(a)(3), because it is
8 between citizens of different states and the matter in controversy exceeds the sum or
9 value of \$75,000, exclusive of interest and costs. This Court has supplemental subject
10 matter jurisdiction over the claims set forth in the Complaint pursuant to 28 U.S.C.
11 section 1367(a), because the claims set forth therein are so related to the claims in the
12 action within the Court's original jurisdiction that they form part of the same case or
13 controversy under Article III of the U.S. Constitution.

14 2. Venue is proper in this district, pursuant to 28 U.S.C. section 1391(b)
15 because, among other things, defendants reside in this district and a substantial part of
16 the events or omissions giving rise to BMW NA's claims occurred in this district.

17 3. Judgment shall be entered in favor of BMW NA and against Epstein and
18 Kortek, and each of them, for the sum of One Hundred Fifty Thousand Dollars
19 (\$150,000.00). The judgment shall be inclusive of attorney's fees and costs, provided
20 it is timely paid in full by March 12, 2013, in the following manner:

21 (a) The sum of Twenty Five Thousand Dollars (\$25,000.00) shall be paid on
22 or before December 12, 2012.

23 (b) The sum of Twenty Thousand Dollars (\$20,000.00) shall be paid on or
24 before January 25, 2013.

25 (c) The sum of One Hundred Five Thousand Dollars (\$105,000.00) shall be
26 paid on or before March 12, 2013.

27 Payment shall be made by cashier's check, payable to "BMW of North America,
28 LLC," and shall be delivered to BMW NA's attorneys, RoganLehrman LLP.

1 4. BMW NA will not execute on the judgment, provided the judgment is
2 timely paid in full in the manner set forth in paragraph 3. If the judgment is timely
3 paid in full in the manner set forth in paragraph 3, BMW NA will execute and file an
4 acknowledgement of satisfaction of judgment, and the judgment shall be inclusive of
5 attorney's fees and costs.

6 5. If the judgment is not timely paid in full in the manner set forth in
7 paragraph 3, the judgment shall not be inclusive of attorney's fees and costs. Instead,
8 BMW NA shall be deemed the prevailing party and entitled to recover its costs
9 incurred herein, including reasonable attorneys' fees, upon bill of costs and Motion
10 filed and served no later than fourteen (14) days after March 12, 2013. BMW NA
11 may also proceed with execution, including discovery in aid of execution, and the
12 judgment shall accrue interest at the maximum legal rate, from December 12, 2012.

13 6. This stipulation does not constitute, and shall not be interpreted to
14 constitute, either an admission by the defendants or a finding by the Court that
15 defendants engaged in any violation of law or in any of the acts alleged in the
16 Complaint.

1 7. The parties request that the Court retain jurisdiction over them to enforce
2 the judgment until performance in full of its terms.

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4 Dated: December 7, 2012



LYLE ANDREW EPSTEIN

KORTEK SERVICES, INC.


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8 Dated: December 7, 2012


LYLE ANDREW EPSTEIN

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10
11 Dated: December 7, 2012


GEORGE O. WEST, III
Attorney for Defendants
LYLE ANDREW EPSTEIN and
KORTEK SERVICES, INC.

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22 ~and~

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25 Robert A. Philipson, Esq.
26 California Bar No. 108940
27 **ROGAN LEHRMAN LLP**
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Los Angeles, California 90025-1166
28 *Attorneys for Plaintiff*

J U D G M E N T

In the above-entitled cause, plaintiff, BMW of North America, LLC ("BMW NA"), and defendants, Lyle Andrew Epstein ("Epstein") and Kortek Services, Inc. ("Kortek"), having stipulated that judgment be entered,

IT IS HEREBY ADJUDGED, ORDERED AND DECREED that judgment be entered pursuant to the terms of the stipulation between the parties, as follows:

1. This Court has original subject matter jurisdiction of this action, pursuant to 28 U.S.C. section 1331 and 49 U.S.C. section 32710(b), because this action arises under the laws of the United States. This Court also has original subject matter jurisdiction of this action, pursuant to 28 U.S.C. section 1332(a)(3), because it is between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. This Court has supplemental subject matter jurisdiction over the claims set forth in the Complaint pursuant to 28 U.S.C. section 1367(a), because the claims set forth therein are so related to the claims in the action within the Court's original jurisdiction that they form part of the same case or controversy under Article III of the U.S. Constitution.

2. Venue is proper in this district, pursuant to 28 U.S.C. section 1391(b) because, among other things, defendants reside in this district and a substantial part of the events or omissions giving rise to BMW NA's claims occurred in this district.

3. BMW NA shall have and recover from Epstein and Kortek, and each of them, the sum of One Hundred Fifty Thousand Dollars (\$150,000.00). The judgment shall be inclusive of attorney's fees and costs, provided it is timely paid in full by March 12, 2013, in the following manner:

(a) The sum of Twenty Five Thousand Dollars (\$25,000.00) shall be paid on or before December 12, 2012.

(b) The sum of Twenty Thousand Dollars (\$20,000.00) shall be paid on or before January 25, 2013.

1 (c) The sum of One Hundred Five Thousand Dollars (\$105,000.00) shall be
2 paid on or before March 12, 2013.

3 Payment shall be made by cashier's check, payable to "BMW of North America,
4 LLC," and shall be delivered to BMW NA's attorneys, RoganLehrman LLP.

5 4. BMW NA shall not execute on the judgment, provided the judgment is
6 timely paid in full in the manner set forth in paragraph 3. If the judgment is timely
7 paid in full in the manner set forth in paragraph 3, BMW NA shall execute and file an
8 acknowledgement of satisfaction of judgment, and the judgment shall be inclusive of
9 attorney's fees and costs.

10 5. If the judgment is not timely paid in full in the manner set forth in
11 paragraph 3, the judgment shall not be inclusive of attorney's fees and costs. Instead,
12 BMW NA shall be deemed the prevailing party and entitled to recover its costs
13 incurred herein, including reasonable attorneys' fees, upon bill of costs and Motion
14 filed and served no later than fourteen (14) days after March 12, 2013. BMW NA
15 may also proceed with execution, including discovery in aid of execution, and the
16 judgment shall accrue interest at the maximum legal rate, from December 12, 2012.

17 6. This judgment does not constitute, and shall not be interpreted to
18 constitute, either an admission by the defendants or a finding by the Court that
19 defendants engaged in any violation of law or in any of the acts alleged in the
20 Complaint.

21 7. The Court shall retain jurisdiction over the parties to enforce the
22 judgment until performance in full of its terms.

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24 DATED: December 11, 2012



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27 LARRY R. HICKS
28 UNITED STATES DISTRICT JUDGE